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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,414	04/30/2001	David Reyna	40101/01801	2874
30636	7590	06/15/2004	EXAMINER	
FAY KAPLUN & MARCIN, LLP 150 BROADWAY, SUITE 702 NEW YORK, NY 10038			CHAVIS, JOHN Q	
			ART UNIT	PAPER NUMBER
			2124	12

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/845,414

Applicant(s)

REYNA ET AL.

Examiner

John Chavis

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6 and 9 rejected under 35 U.S.C. 102(b) as being anticipated by the public use of a person sitting at his desk and adding two numbers, as indicated above in item 2. The applicant is also reminded of a user generating a playlist of songs on his computer, extracting one or more (the desired elements) of the songs from the list and saving or deleting (performing an operation) the songs to enable replays of only the selected items of the original set.

2. Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Ravichandran (5,966,536). The claims are now presented in a side-by-side manner with the teachings of Ravichandran below.

What is claimed is:

1. A method, comprising the steps of:
generating a list of desired elements of a first software code,

Ravichandran

See the optimization metrics that is generated (via the abstract).

The applicant indicates that Ravichandran does not generate a list of desired elements of a first software code; however, the applicant should note that the optimization metrics is considered to provide for the feature since as code is optimized it is inherent that references to the code is generated via items such as reference names and line numbers to enable identification of each block of code to provide for the comparison feature, see again the abstract of the invention. That is, to enable

blocks of code to be compared to other blocks of code to determine functional equivalents, a list of desired elements is generated that enables the system to identify each block. Therefore, the feature is provided for in the reference cited; since blocks of code is desired elements.

the first code having a predefined command structure;

Any code that is created is considered to have a predefined command structure to ensure that each step of the function is executed in order. The code generated (created) above for each block of code therefore inherently provides for the claimed features.

extracting the desired elements from the first code;

See also in the abstract that the optimization metrics for each block (desired element) is utilized (extracted) individually.

and performing an operation on the extracted elements.

An operation that is performed on the block (extracted element) would be the comparison, also specified in the abstract.

2. The method according to claim 1, wherein the code is generated according to the following substeps: receiving parameter information via a graphical user interface,

See the I/O interface in col. 4 lines 23-54. In reference to receiving the parameter information (source executable code in col. 2 lines 39-45) via the I/O interface (GUI) over a network, see col. 4 lines 10-21.

receiving handler function information via a graphical user interface, and

See the performance information and inherently information relating to transforming the initial source code (handler function information) in col. 2 lines 39-62.

automatically generating the first code using the parameter information and handler function information.

See col. 2 line 51-col. 3 line 10.

3. The method according to claim 1,

See the rejection of claim 2 above.

wherein the list of desired elements includes a list of language translatable elements and

wherein the performing step includes the following substeps: translating the extracted elements from a first language into a second language.

See again the converting and optimization (translating) indicated in claim 2.

4. The method according to claim 3, wherein the performing step includes the following substep: inserting the translated elements back into the first code.

See the use of the most efficient block (translated elements) in col. 3 lines 11-23.

5. The method according to claim 3, wherein the performing step includes the following substep: generating a second code as a function of the first code and the translated elements.

The converting function in claim 3 is considered the first code; while, the optimization function providing for the second code.

6. The method according to claim 1, wherein the list of desired elements includes a list of help-related elements and wherein the performing step includes the following substeps: generating a help manual as a function of the extracted elements.

The performance feature is considered to provide for the help related elements and the benchmarks are also considered similar to a help manual, see col. 3 lines 24-60.

7. The method according to claim 1, wherein the list of desired elements is generated via a command graphical user interface.

See again the rejection of claim 2 above and col. 9 lines 14-33.

8. The method according to claim 1, wherein a command graphical user interface displays the extracted elements.

This feature is considered inherent via col. 9 lines 45-67.

9. The method according to claim 1, wherein the predefined command structure is a hierarchical command tree.

See col. 6 lines 43-66.

10. The method according to claim 1, wherein the predefined command structure is displayed via a graphical user interface. This feature is also considered inherent via the information cited in the rejections of claims 7-9 above.

Claims 11-14 are rejected in view of the rejections of the method claims 1-4 above in view of

As per claims 14-19, see the rejections of claims 6-10 above in view of Ravichandran's apparatus (system) claims 7-10.

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Q. Chavis whose telephone number is 703-305-9665. The examiner can normally be reached on 8:30 am-5:00 pm Est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on 703-305-9662. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-3900.

Jqc
June 13, 2004



JOHN CHAVIS
PATENT EXAMINER
ART. UNIT 2124